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ATTORNEY FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|-----------------------------------|---|-------------------------------|
| |) | CASE NO: C07-02710 JF |
| |) | |
| AUGUSTIN MARTINEZ, JULIO JIMENEZ, |) | 1) SECOND MOTION TO MOVE CASE |
| GUADALUPE SOTO, AND ANGEL |) | MANAGEMENT CONFERENCE |
| LOMELI, |) | |
| |) | |
| PLAINTIFFS, |) | |
| |) | |
| VS. |) | |
| |) | |
| AC LUMBER, SURINDER CHAWLA AND |) | |
| AMAR S. CHAWLA, AND DOES 1-10 |) | |
| |) | |
| DEFENDANTS | | |

NATURE OF CASE

This is an action on behalf of AUGUSTIN MARTINEZ, JULIO JIMENEZ, GUADALUPE SOTO, AND ANGEL LOMELI, Plaintiffs move to continue the Case Management conference for the following reasons:

- 1) The last Case Management Conference was set for August 31, 2007.
- 2) The next Case Management Conference is set for October 5, 2007.

1 3) The Plaintiffs received a previous continuance to serve the Defendants in this case.

2 4) The Plaintiffs served the Defendant Amar Chawla at his home address in September 5, 2007

3 See Exhibit 2 Proof of Service.

4 5) The Plaintiff's attorney was out of the country in Finland from September 14th to September
5 25th 2007.

6 6) The Defendant Amar Chawla asked for an extension to answer which the Plaintiff refused to
7 give due to the difficulties in effecting service. On September 21, 2007 Defendant Amar Chawla
8 faxed Plaintiff a letter which Plaintiff's Attorney did not answer while he was out of the country.

9 7) The Defendants AC Lumber and Surinder Chawla have not been served. Defendant AC
10 Lumber no longer exists at it previous addresses. Defendant AC Lumber does not exist at the
11 address it listed on the California Secretary of State Web Site.

12 8) On October 1, 2007 Mr Amar Chawla walked into the Plaintiff's Attorney's office at Dal Bon
13 & Wang, 12 South First Street #613, San Jose, CA 95113 and announced that he refused to
14 answer the complaint. Plaintiff's attorney suggested that Defendant Amar Chawla obtain an
15 attorney.

16 9) The Plaintiff's process server continues to attempt to serve Defendant Surinder Chawla and
17 Defendant AC Lumber.

18 10) Plaintiff respectfully requests that the Case Management Conference be moved to December
19 7, 2007 in order to give the Plaintiff's attorney more time to serve Defendant AC Lumber and
20 Defendant Surinder Chawla. Plaintiff's attorney will file for Default against Defendant Amar
21 Chawla if does not obtain an attorney or answer the complaint by October 15, 2007. This will
22 effectively give Defendant Amar Chawla more than the two weeks he requested to answer the
23 complaint.

24
25 Dated October 3, 2007

1 Respectfully Submitted

2 _____s/jdb_____

3 James Dal Bon

4 Attorney for the Plaintiff

DECLARATION OF JAMES DAL BON

1) I declare under the penalty of perjury by the laws of the State of California that the following is true and correct:

2) The Proofs of Service attached to this Motion and marked Exhibit 2 are true copies of the Proofs our process server signed in this case.

3) I was out of the country in Finland from September 14th 2007 to September 25th 2007.

4) The letter dated September 21, 2007 is a true copy of one faxed to Plaintiff's Attorney.

5) On October 1, 2007 Mr Amar Chawla walked into my office at Dal Bon & Wang, 12 South First Street #613, San Jose, CA 95113 and announced that he refused to answer the complaint. I suggested Mr. Amar Chawla that he immediately obtain an attorney.

October 3, 2007

____s_/jdb_____

James Dal Bon

Attorney for Plaintiff

1 Dated:

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4 IT IS SO ORDERED,

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6 _____
7 Honorable United States Court District Judge

8 Jeremy Fogel
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